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**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 4.10.3 OF THE NORTH BURNET-GATEWAY REGULATING PLAN TO ALLOW FOR ALTERNATIVE TIMELINES FOR PARKLAND DEDICATION AND WAIVING REQUIREMENTS IN CITY CODE SECTION 25-1-502 FOR PLANNING COMMISSION REVIEW.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Council adopted the North Burnet-Gateway Regulating Plan in Ordinance No. 20090312-035 and has since amended it on several occasions.

**PART 2.** Pursuant to Subsection (D) of City Code Section 25-2-767.02 (*Regulating Plan*), Section 4.10.3 of the North Burnet-Gateway Regulating Plan is amended to add a new Subsection (D) to read as follows:

D. Community Parks

- a. The dedication of land required under Section 25-1-602 (*Dedication of Parkland*) may be deferred in accordance with the alternative parkland dedication timeline described in Paragraph 4.10.3.D.b if the development meets the following requirements:
  - i. The original tract before the development was subdivided consisted of at least 20 acres.
  - ii. The preliminary plan or the final plat includes a parks plan approved by the Director of the PARD that identifies community parks that will serve all the residents of the subdivision (“Parks Plan”).
  - iii. The parkland to be dedicated (“Future Park Area”) must be located within the boundaries of the preliminary plan and subject to the Parks Plan.
  - iv. The owner of the Future Park Area executes a covenant with the City that restricts the use of the Future Park Area to park purposes, with limited exceptions, including but not limited to construction purposes and construction of buildings or structures, that must be approved by the Director of the PARD prior to recordation.

34 v. The development project provides an additional significant public  
35 benefit as determined in the City Manager's discretion.

36 b. Alternative Parkland Dedication Timeline. If a development meets the  
37 requirements under Paragraph 4.10.3.D.a, the applicant may use the  
38 following process to dedicate land required to fulfill parkland dedication  
39 requirements:

40 i. At the time of site plan review for an application that requires parkland  
41 dedication, the applicant shall post fiscal surety equal to the  
42 development fee plus the fair market value of the Future Park Area. To  
43 establish fair market value, the applicant shall, at its sole cost, obtain a  
44 third-party appraisal of the Future Park Area for review and acceptance  
45 by the Director of the PARD.

46 ii. For purposes of releasing the site plan, the parkland dedication  
47 requirements shall be considered satisfied once the applicant has  
48 deposited fiscal surety with the City.

49 iii. If the applicant intends to construct recreational amenities on the  
50 Future Park Area pursuant to Section 25-1-606(C), the recreational  
51 amenities may be documented on a separate site plan than the site plan  
52 relying on the Future Park Area.

53 iv. The applicant shall dedicate the Future Park Area no more than ten  
54 years from the date the City accepted the fiscal surety. If ten years have  
55 passed and the Future Park Area has not yet been dedicated, the City  
56 may withhold approval of remaining development applications within  
57 the development project or may draw on the fiscal surety.

58 v. The applicant shall provide a yearly report to the Director of the PARD  
59 on the applicant's progress towards the dedication of the Future Park  
60 Area.

61 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2021

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**PASSED AND APPROVED**

\_\_\_\_\_, 2021      §  
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\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk

DRAFT